

### **REMARKS**

Claims 8-13 are pending in the present application. The Examiner rejected claims 8-13 under 35 U.S.C. § 102(b) as being anticipated by Wadhams (U.S. Patent No. 5,225,618) in a final Office Action. Applicants submit herewith a request for continued examination pursuant to 37 C.F.R. § 1.114 with this Amendment as the requisite submission. With entry of this Amendment, Applicants amends claims 8, 12 and 13. Reexamination and reconsideration are respectfully requested.

The present invention is directed to a digital mixer having a recorder/reproducer. The recorder/reproducer can record audio signals to a plurality of tracks. The audio signals from the tracks can thereafter be read and supplied to channels of the mixer for mixing. In the mixer, processing such as equalizing and volume control are performed on the audio signals prior to mixing. What is important to emphasize about the present invention is that it allows the user to listen to a track without such processing *and* as processed. Specifically, the user can select a listening mode for a track so as to listen to the track in its “raw” state, *i.e.*, without the described processing. The user can also select a solo mode for a channel corresponding to the track to listen to the track as processed.

Applicants have amended independent claims 8, 12 and 13 to further clarify the claimed invention. For example, amended claim 12 recites “selecting a listening mode,” “selecting said at least one track for the listening mode” and “outputting, for the listening mode, the audio signal directly from the at least one track selected by the step (j) without said processing.”

Amended claim 12 further recites “selecting a solo mode,” “selecting at least one of the plurality of input channels corresponding to at least one track for the sole mode,” and “selecting, for the solo mode, the input channel selected by the step (h) . . . to listen to said at least one track processed by said processing.”

In contrast, Wadhams fails to disclose the above recitations. Wadhams discloses two performances for mixing: a synthesized performance and a recorded performance. The audio

signals for the synthesized performance are generated by MIDI circuitry 94 and modified or processed by equalizer 100 and reverberation unit 102 and delivered to mixer 98. (*See, e.g.*, Fig. 1 and Col. 10, lines 58-62 and Col. 11, lines 19-22.) The audio signals for the recorded performance are generated from a CD via optical disk player 108 and CD circuitry 93 and delivered to mixer 98 via bus 95. (*See, e.g.*, Fig. 1 and Col. 11, lines 32-43.) The audio signals from the synthesized performance and the recorded performance are then mixed by mixer 98. (*See, e.g.*, Col. 11, lines 44-53.)

As the Examiner has noted, Wadhams discloses a "RECORDED" key that allows the user to only hear the recorded performance. (*See* Col. 14, line 41 to Col. 15, line 26.) The Examiner contends that this meets the recited listening mode of a track without processing. Applicants respectfully note that the claimed invention allows the user to hear a track without processing *and* with processing. Wadhams does not disclose the recorded performance, which can be listened to directly with the "RECORDED" key, can also be listened to with processing. Indeed, Fig. 1 of Wadhams clearly shows that the audio signals of the recorded performance obtained from the disk player 108 and CD circuitry 98 is directly input to the mixer 98 via bus 95 and bypasses the equalizer 100 and the reverberation unit 102 altogether. Accordingly, Applicants respectfully submit that claim 12 is not anticipated by Wadhams.

Independent claims 8 and 13 have been similarly amended and are not anticipated by Wadhams for at least the reasons set forth above. Claims 9-11 which depend from claim 8 are likewise not anticipated by Wadhams for at least the reasons set forth above.

Applicants note that claim 13 has been amended to be directed to a computer readable medium as the Examiner requested. Thus, Applicants respectfully request that the Examiner withdraw the rejection under § 101.

Finally, the Examiner objected to the claims, because it was unclear as to whether the audio signals in step (b) of claim 12 were the same as the audio signals in step (d). The Examiner treated them as not referring to the same set of signals. Applicants note that the audio signals in step (d) are not preceded by an antecedent such as "the" or "said." Moreover, the signals in step (b) are

processed or to be processed by a mixing device, whereas the signals in step (d) and the remaining steps can be either or both audio signals processed or to be processed by a mixing device or signals that bypass the mixing device altogether. Applicants have amended the independent claims for further clarification.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032027100.

Dated: October 31, 2007

Respectfully submitted,

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